

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 02-11460-RWZ

EASCARE, L.L.C.

v.

CAPE COD HEALTHCARE, INC., et al.

ORDER

May 6, 2004

ZOBEL, D.J.

Plaintiff has moved for partial reconsideration of the Court's dismissal of its state and federal antitrust claims for lack of evidence of antitrust injury. It states that it has in fact had to shut down its Cape Cod operation. Since the demise of plaintiff's business on Cape Cod necessarily reestablished a monopoly in ambulance service there, its cessation necessarily injures competition with the likelihood of recurrence of the less than stellar service that defendant provided before plaintiff entered that market. Further, I am not prepared to conclude on the record before me that plaintiff's decision to leave the Cape Cod market is merely a "redeployment" of assets rather than a departure forced by defendants' conduct.

Accordingly, the motion for partial reconsideration is allowed; and, on reconsideration, the motion for summary judgment is denied as to counts I, III and V.

DATE

/s/ Rya W. Zobel
RYA W. ZOBEL
UNITED STATES DISTRICT JUDGE